

## REMARKS

Applicants respectfully request that the above-identified application be reexamined.

The Office Action mailed on January 25, 2006 ("Office Action"), allowed Claims 1-7 and 11 and rejected Claims 8-10 and 12-14 under 35 U.S.C. § 102(b) as being anticipated by Goro (JP Publication 11-025491). The Office Action also objected to Claim 15 because of informalities. Independent Claims 8 and 12 have been amended to further clarify claim language. Independent Claim 15 has been amended to further clarify claim language and improve formality.

The following discussions of applicants' invention and the cited and applied references are not provided to define the scope or interpretation of any of the claims of this application. Instead, these discussions are provided to help the U.S. Patent and Trademark Office better appreciate important claim distinctions discussed thereafter.

### Rejection of Claims 8-10 and 12-14 Under 35 U.S.C. § 102(b)

As noted above, Claims 8-10 and 12-14 were rejected by the Office Action under 35 U.S.C. § 102(b) as being anticipated by Goro. Briefly, Goro discloses a method for setting a power of a write laser beam used for writing data on an overwritable optical disk at the time of the writing of the data (English Abstract). Goro describes a method wherein increment data are written to a predetermined track on the optical disk using a predetermined power level for a write laser beam. Random data are subsequently overwritten on the same predetermined track using the write laser beam with a power level lower than the predetermined power level. An error rate of the random data is determined and compared with a predetermined error rate value. If the determined error rate is larger than the predetermined error rate value, the write laser beam power level is raised and the above process is repeated until the determined error rate is less than the predetermined error rate (§ 0008-0009).

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Amended independent Claim 8 recites:

8. An optical disk apparatus for recording data on an optical disk, comprising:

means for detecting

first reproduced signal quality of test data obtained after test data recorded with write power lower than write power P of a laser beam have been overwritten with said write power P, [[or]] and

**second reproduced signal quality** of test data obtained after test data recorded with write power **higher than said write power P of a laser beam** have been overwritten with said write power P; and

means for **setting optimum write power on the basis of at least one of said first reproduced signal quality [[or]] and said second reproduced signal quality.** (Bold emphasis added.)

As noted above, Goro describes a method whereby increment data are written to a predetermined track using a predetermined power level. Random data are subsequently overwritten on the same predetermined track using the write laser beam with a power level lower than the predetermined power level. An error rate of the random data is determined and compared with a predetermined error rate value. If the determined error rate is larger than the predetermined error rate value, the write laser beam power level is raised and the above process is repeated until the determined error rate is less than the predetermined error rate (§ 0008-0009). Goro does not teach or suggest detecting both first reproduced signal quality of test data obtained after test data recorded with write power lower than write power P have been overwritten with said write power P and second reproduced signal quality of test data obtained after test data recorded with write power higher than said write power P have been overwritten with said write power P, as recited in amended Claim 8. As such, Goro further fails to teach or suggest setting optimum write power on the basis of at least one of said first reproduced signal quality and said second reproduced signal quality, as explicitly recited in amended Claim 8.

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Amended independent Claim 8 is submitted to be allowable for at least the reasons presented above.

Claims 9 and 10 depend from Claim 8 and are submitted to be allowable for at least the same reasons as discussed above with respect to Claim 8.

Amended independent Claim 12 recites, in its entirety:

12. An optical disk apparatus for recording data on an optical disk, comprising:

means for recording test data in a predetermined area of said optical disk while write power is changed among a plurality of levels;

overwrite means for overwriting said test data while write power is changed among a plurality of levels so ~~as to become lower or higher~~ that at least one of the plurality of levels is lower and at least one of the plurality of levels is higher than the write power used for recording operation;

means for detecting, for each write power level, jitter or an error rate of test data overwritten by said overwrite means; and

means for setting optimum write power at the time of recording of data on the basis of said jitter or error rate. (Bold emphasis added.)

Amended independent Claim 12 recites substantially the same features as amended Claim 8, and is submitted to be allowable for at least the same reasons presented above with respect to amended Claim 8.

Claims 13 and 14 depend from amended Claim 12 and are submitted to be allowable for at least the same reasons as discussed above with respect to Claim 12.

#### Objection to Claim 15

As noted above, the Office Action objected to Claim 15 because of informalities. Claim 15 has been amended to clarify claim language.

CONCLUSION

In summary, applicants respectfully submit that all pending claims in this application are clearly allowable in view of Goro. As a result, applicants respectfully request that all of the claims remaining in this application be allowed and this application be passed to issue. If the Examiner has any questions, the Examiner is invited to contact applicants' attorney at the number set forth below.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

April 25, 2006

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